

Forest Service

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Provincial Advisory Committees

The federal advisory committees referenced in this charter are collectively known as the Provincial Advisory Committees (PACs):

1) Eastern Washington Cascades PAC; and

2) Deschutes PAC

2. Authority

Each Provincial Advisory Committee (PAC) is established pursuant to the implementation of E-19 of the Record of Decision. The PACs are in the public interest and are established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App II. The PACs are also in accordance with an Interagency Agreement established between the U.S. Department of Agriculture's Forest Service and the U.S. Department of the Interior Bureau of Land Management (BLM) which enables each agency to provide local forums and develop ways to better coordinate activities with non-Federal entities.

3. Objectives and Scope of Activities

The Secretary of Agriculture is re-establishing the following PACs to provide advice and make recommendations to promote better integration of forest management activities between Federal and non-Federal entities to ensure that such activities are complementary.

Each PAC provides advice regarding implementation of a comprehensive ecosystem management strategy for Federal land within three ecological provinces and the entirety of the Okanogan-Wenatchee and Deschutes National Forests. They seek to promote public understanding and, where possible, consensus on approaches to managing forest ecosystems, wildlife and fish, and human uses of the forest.

The Record of Decision (ROD) for the Northwest Forest Plan of April 13, 1994, provides direction to the Forest Service and the BLM for developing an ecosystem management approach that is consistent with statutory authority for land use planning, such as the

Forest Rangeland Renewable Resources Planning Act, the National Forest Management Act, and the Federal Land Policy and Management Act. (See the ROD, page 5). Ecosystem management at the province level requires improved coordination among governmental entities responsible for land management decisions and the public they serve.

4. Points of View Needed for the Committee

Each PAC will be comprised of no more than 29 members approved by the Secretary of Agriculture. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The PACs, will provide balanced and broad representation, within each of the following interests:

- (1) One or more representatives of the Environmental Protection Agency;
- (2) One or more representatives of the United States Fish and Wildlife Service;
- (3) One or more representatives of the Forest Service;
- (4) One or more representatives of the BLM in each province where lands administered by BLM occur in the province;
- (5) One or more representatives of the National Park Service in each province where a national park occurs in the province;
- (6) One or more representatives of the National Marine Fisheries Service;
- (7) One or more representatives of the Bureau of Indian Affairs;
- (8) Up to a maximum of three representatives of the government of each State within whose boundaries all or a portion of the province is located (the State agencies/departments to be represented will be determined by the Federal officials described in Paragraphs 3a(1) through 3a(7);
- (9) One or more representatives of each county government within whose boundaries all or a portion of the province is located, up to a maximum of three county representatives;
- (10) One or more representatives of each tribal government whose reservation, ceded land, or usual and accustomed areas are within all or a portion of the province, up to a maximum of three tribal representatives;
- (11) Up to a maximum of two representatives of environmental interests;
- (12) Up to a maximum of two representatives of different sectors of the forest products industry;
- (13) Up to a maximum of four representatives of the recreation and tourism sectors;

- (14) Three to five representatives of the following interests when those interests are determined by the Federal officials described in Paragraphs 3a(1) through 3a(7) to be needed on the respective provincial committee: Fish, wildlife, or forestry conservation organizations; special forest products interests, mining interests, grazing interests, and commercial fishing or charter fishing boat industry interests; and other interests that help achieve the purpose of the charter;
- (15) Up to a total of three representatives from the following Federal agencies when the jurisdiction or authority of those agencies are determined by the Federal officials described in Paragraphs 3a(1)(a) through 3a(7)(g) to be needed on the respective provincial committee: Bureau of Reclamation, United States Geological Survey National Biological Division, Forest Service Research, United States Army Corps of Engineers, United States Geological Survey, Bonneville Power Administration, Department of Defense, and Natural Resources Conservation Service; and
- (16) Up to a maximum of six representatives representing the public at large affected by the ROD for the Northwest Forest Plan and concerned with the management of the national forests in the community.

The Chairperson of each PAC will alternate annually between the Forest Service representative and the BLM representative in provinces where both agencies administer lands. When the BLM is not represented on the PIEC, the Forest Service representative will serve as Chairperson.

A designated agency employee will serve as the Designated Federal Officer (DFO) under Sections 10 (e) and (f) of the Federal Advisory Committee Act (5 U.S.C. App II). The PACs may invite a representative of the State Community Economic Revitalization Team, or its equivalent, to participate as an ex-officio member. In the event a member is unable to attend a PAC meeting or a meeting of one of its subcommittees/working groups, that member may send a designee, or alternate, to represent him or her at the meeting. Every effort will be made to ensure that the membership of each PAC is balanced, nevertheless, USDA recognizes that each PAC membership is not static and may change, depending on the work of the PAC.

5. Other Balance Factors

Equal opportunity practices in accordance with United State Department of Agriculture (USDA) policies shall be followed in all appointments to the PACs. To help ensure that the recommendations of each PAC have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent women, men, racial and ethnic groups, and persons with disabilities.

6. Quorum Requirements

Fifty percent of the members of each PAC must be present to constitute an official meeting of the PAC. Attendance may be in person, by telephone, or electronic means.

7. Candidate Identification Process

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county governments, organizations and individuals who represent the interests specified in the Act. The Outreach plan provides additional guidance on seeking nominees. The Forest Supervisor who will receive advice from the PAC is responsible for forwarding nominees to be vetted, approved and appointed by the Secretary of Agriculture.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the PAC due to criminal or ethical violations.

8. Subcommittee Balance

The balance plan for any subcommittee shall incorporate the same policies and practices as for the PACs.

9. Date Prepared or Updated: June 11, 2014

10. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (1) The Federal advisory committee's mission;
- (2) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (3) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (4) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (5) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations.” (41 CFR § III of App. A to Subpart B)